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UNISYS CORPORATION
OFFICE OF GENERAL COUNSEL
10850 VIA FRONTERA
M/S 1000
SAN DIEGO, CA 92127

EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,668

Applicant(s)

LEE ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) 1 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 is drawn to “accumulating a total number of users by designating categories of user type for an application of a server farm”, classified in class 709, subclass 229.
 - II. Claims 2-10 are drawn to “a thin client sizing tool to configure an optimal server farm to develop data to specific user weight categories for each user type involved with specific application in the server farm”, classified in class 709, subclass 223.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I-II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as lacking “a thin client sizing tool to configure an optimal server farm to develop data to specific user weight categories for each user type involved with specific application in the server farm”, particulars. See MPEP 806.05(d).
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the extensive search required for one group is not required for the other groups, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. A telephone call was made to Alfred W. Kozak on June 24, 2004 to request an oral election to the above restriction requirement. Alfred W. Kozak elected invention II (Claims 2-10) without traverse.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined (37 CFR 1.143).

9. Claims 2-10 are examined as per the election of group II invention. Hence, applicant is requested to cancel claim 1.

Specification

10. The disclosure is objected. Some of the informalities are:

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- i. The section "CROSS-REFERENCE TO RELATED APPLICATIONS" and the disclosure other sections are missing co-pending application numbers. Appropriate correction is requested.

Information Disclosure Statement

11. Unless the invention (disclosed subjected matter) is created from scratch, applicant needs to provide all the prior arts that have led to the invention, i.e., existing patents and publications related to the claimed subject matter. Examiner has found couple patents related to the claimed invention of the same assignee. In response, applicant is requested to provide the title, citation and copy of each publication related to the claimed subject matter. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. The specification is objected to because it does not contain subject matter containing any software or hardware to implement a method for developing data as to specific user-weight categories for each user-type involved with each specific application in an optimal server farm with the steps of the claimed subject matter, i.e., to select application that processes 16-bit or MS-DOS programs, accumulating the number of User-Type users for application categorized as Super-Heavy Users, adding up the number of User-Type Users into the Heavy category,

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eliminating application involving a Heavy processing background, sorting-out and eliminating those applications which involve Heavy-background processing, selecting those User-types whose typing speed is slower than 45 words/minute, etc. Hence, claims 2-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The steps of the claims, to select application that processes 16-bit or MS-DOS programs, accumulating the number of User-Type users for application categorized as Super-Heavy Users, adding up the number of User-Type Users into the Heavy category, eliminating application involving a Heavy processing background, sorting-out and eliminating those applications which involve Heavy-background processing, selecting those User-types whose typing speed is slower than 45 words/minute, etc., has been rejected by the examiner.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. US 2002/0002613 A1 (Hereinafter Freeman) in view of "Official Notice".

15. As per claims 2-5, Freeman teaches the following:

in a Thin Client Sizing Tool for configuring an Optimal Server Farm for a customer-enterprise (e.g. use of Admin tool, figure 1), a method for developing data as to specific User-weight categories for each User-Type (e.g., application usage based weighted usage levels based

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on particular group of users, col., 1, paragraphs 5-12) involved with each specific Application in said Server Farm (e.g. application of multiple servers on the network, col., 1, paragraphs 5-12), comprising the steps of:

- checking to find if more Applications are involved (e.g., col., 3, paragraphs, 84-96);
- accumulating the number of Users utilizing applications by User-Types designated as "Heavy" users, accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user, accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., col., 3, paragraphs, 84-96);

- selecting each Application in said Server Farm which is utilized by a User-Type User, (e.g., col., 3, paragraphs, 84-96);

- selecting each Application in said Server Farm which processes a particular programmed application (e.g., col., 3, paragraphs, 84-96);

- totaling the number of User-Type Users who are Super-Heavy users, totaling the number of Heavy User-Types for each and every Application utilized in the Server Farm (e.g., col., 3, paragraphs, 49-96);

- eliminating each Application which involves a particular program, (e.g., col., 3, paragraphs, 49-96);

- sorting-out and eliminating those Applications which are particular programmed application, (e.g., col., 3, paragraphs, 49-96);

- selecting each Application having a particular application, (e.g., col., 3, paragraphs, 49-96);

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adding up the number of User-Type Users for each Application type designated as a particular type, accumulating the total number of Users of a particular category for each and every one of the Applications used in the Server Farm (e.g., col., 3, paragraphs, 49-96).

Freeman clearly discloses use of administrate to configure server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage.

However, Freeman does not specifically mention about an application being a 16--bit or MS-DOS programs / NOT a 16-bit or MS-DOS program / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc.

"Official Notice" is taken that both the concept and advantages of providing an application being a 16--bit or MS-DOS programs / NOT a 16-bit or MS-DOS program / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc. is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an application being a 16--bit or MS-DOS programs / NOT a 16-bit or MS-DOS program / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light",

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“Heavy”, etc. with the teachings of Freeman in order to facilitate an administrator to configure the servers based on the usage of an application being of a 16-bit program, etc, of a particular type. The different categories, which are based on the application usage, would allow the configurer to configure the server based on the application usage. The concept provided by the Freeman to administrate and configure a server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage with the well known concept application of different types of that can be handled by the servers and the application being of a particular user usage category would help better configure the server farm.

16. As per claims 6-10, Freeman teaches the following:

selecting those Applications with a particular application, adding the number of such specific Users to the particular category total (e.g., col., 3, paragraphs, 49-96),

accumulating the total number of Users of the particular category for each and every one of the Applications used in the Server Farm, adding the number of particular type Users to the particular category; accumulating the total number of Users of the particular category for each and every one of the Applications used in the Server Farm, adding the number of particular group of Users using each Application into the particular category; accumulating the total number of Users of the particular category for each and every one of the Applications used in the Server Farm (e.g., col., 3, paragraphs, 49-96),

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adding the number of a particular group Users using each Application as a particular utilization, adding-up the number of a particular group Users utilizing said Applications as a particular user category, (e.g., col., 3, paragraphs, 49-96),

selecting those Applications with particular application (e.g., col., 3, paragraphs, 49-96).

Freeman clearly discloses use of administrate to configure server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage.

However, Freeman does not specifically mention about an application being an application whose input is faster than 45 words/minute, selecting those Applications which are NOT mostly text:-based, selecting those User-types whose typing speed is faster than 45 words/minute/ selecting those User-Types whose typing speed is slower than 45 words/minute / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc.

"Official Notice" is taken that both the concept and advantages of providing an application being an application whose input is faster than 45 words/minute, selecting those Applications which are NOT mostly text:-based, selecting those User-types whose typing speed is faster than 45 words/minute/ selecting those User-Types whose typing speed is slower than 45 words/minute / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc. is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an application being an application whose input is faster than 45 words/minute, selecting those Applications which are NOT mostly text:-based, selecting those User-types whose typing speed is faster than 45 words/minute/ selecting those User-Types whose typing speed is slower than 45 words/minute / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc. of a particular type. The different categories, which are based on the application usage, would allow the configurer to configure the server based on the application usage. The concept provided by the Freeman to administrate and configure a server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage with the well known concept application of different types of that can be handled by the servers and the application being of a particular user usage category would help better configure the server farm.

17. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longston et al. 6,687,735 (Hereinafter Longston) in view of "Official Notice".

18. As per claims 2-5, Longston teaches the following:

in a Thin Client Sizing Tool for configuring an Optimal Server Farm for a customer-enterprise (e.g. use of configuration server, col., 2, line 50 – col., 4, line 54), a method for developing data as to specific User-weight categories for each User-Type (e.g., application usage based weighted usage levels based on particular group of users, col., 2, line 50 – col., 4, line 54)

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involved with each specific Application in said Server Farm (e.g. application of multiple servers on the network, col., 2, line 50 – col., 4, line 54), comprising the steps of:

checking to find if more Applications are involved (e.g., col., 2, line 50 – col., 4, line 54);
accumulating the number of Users utilizing applications by User-Types designated as "Heavy" users, accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user, accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., col., 2, line 50 – col., 4, line 54);

selecting each Application in said Server Farm which is utilized by a User-Type User, (e.g., col., 2, line 50 – col., 4, line 54);

selecting each Application in said Server Farm which processes a particular programmed application (e.g., col., 2, line 50 – col., 4, line 54);

totaling the number of User-Type Users who are Super-Heavy users, totaling the number of Heavy User-Types for each and every Application utilized in the Server Farm (e.g., col., 2, line 50 – col., 4, line 54);

eliminating each Application which involves a particular program (e.g., col., 2, line 50 – col., 4, line 54);

sorting-out and eliminating those Applications which are particular programmed application, (e.g., col., 2, line 50 – col., 4, line 54),

selecting each Application having a particular application, (e.g., col., 2, line 50 – col., 4, line 54);

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adding up the number of User-Type Users for each Application type designated as a particular type, accumulating the total number of Users of a particular category for each and every one of the Applications used in the Server Farm (e.g., col., 2, line 50 – col., 4, line 54).

Longston clearly discloses use of administrate to configure server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage.

However, Longston does not specifically mention about an application being a 16--bit or MS-DOS programs / NOT a 16-bit or MS-DOS program / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc.

"Official Notice" is taken that both the concept and advantages of providing an application being a 16--bit or MS-DOS programs / NOT a 16-bit or MS-DOS program / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc. is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an application being a 16--bit or MS-DOS programs / NOT a 16-bit or MS-DOS program / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light",

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“Heavy”, etc. with the teachings of Longston in order to facilitate an administrator to configure the servers based on the usage of an application being of a 16-bit program, etc, of a particular type. The different categories, which are based on the application usage, would allow the configurer to configure the server based on the application usage. The concept provided by the Longston to administrate and configure a server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage with the well known concept application of different types of that can be handled by the servers and the application being of a particular user usage category would help better configure the server farm.

19. As per claims 6-10, Longston teaches the following:

selecting those Applications with a particular application, adding the number of such specific Users to the particular category total (e.g., col., 2, line 50 – col., 4, line 54);

accumulating the total number of Users of the particular category for each and every one of the Applications used in the Server Farm, adding the number of particular type Users to the particular category; accumulating the total number of Users of the particular category for each and every one of the Applications used in the Server Farm, adding the number of particular group of Users using each Application into the particular category; accumulating the total number of Users of the particular category for each and every one of the Applications used in the Server Farm (e.g., col., 2, line 50 – col., 4, line 54);

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adding the number of a particular group Users using each Application as a particular utilization, adding-up the number of a particular group Users utilizing said Applications as a particular user category, (e.g., col., 2, line 50 – col., 4, line 54);

selecting those Applications with particular application (e.g., col., 2, line 50 – col., 4, line 54).

Longston clearly discloses use of administrate to configure server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage.

However, Longston does not specifically mention about an application being an application whose input is faster than 45 words/minute, selecting those Applications which are NOT mostly text:-based, selecting those User-types whose typing speed is faster than 45 words/minute/ selecting those User-Types whose typing speed is slower than 45 words/minute / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc.

"Official Notice" is taken that both the concept and advantages of providing an application being an application whose input is faster than 45 words/minute, selecting those Applications which are NOT mostly text:-based, selecting those User-types whose typing speed is faster than 45 words/minute/ selecting those User-Types whose typing speed is slower than 45 words/minute / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is

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Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc. is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an application being an application whose input is faster than 45 words/minute, selecting those Applications which are NOT mostly text-based, selecting those User-types whose typing speed is faster than 45 words/minute/ selecting those User-Types whose typing speed is slower than 45 words/minute / having a "Heavy" processing background / graphic-based or animated graphic-based or animated background / an input which is mostly GUI-based / background processing is Light, output is mostly text-based, etc., and the categories of application users being "Light", "Heavy", etc. of a particular type. The different categories, which are based on the application usage, would allow the configurer to configure the server based on the application usage. The concept provided by the Longston to administrate and configure a server farm based on utilization of any application that is used for a particular group of users and depending on the weight of the application usage with the well known concept application of different types of that can be handled by the servers and the application being of a particular user usage category would help better configure the server farm.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claims 2-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Smorodinsky 6,496,948.

22. As per claims 2-5, Smorodinsky teaches the following:

in a Thin Client Sizing Tool for configuring an Optimal Server Farm for a customer-enterprise (e.g. figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43), a method for developing data as: to specific User-weight categories for each User-Type involved with each specific Application in said Server Farm (e.g. figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43), comprising the steps of:

checking to find if more Applications are involved (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

accumulating the number of Users utilizing applications by User-Types designated as "Heavy" users, accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user, accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

selecting each Application in said Server Farm which is utilized by a User-Type User, selecting each Application in said Server Farm which processes 16--bit or MS-DOS programs, selecting each Application in the Server Farm which is NOT a 16-bit or MS-DOS program, selecting each Application having a "Heavy" processing background (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

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totaling the number of User-Type Users who are Super-Heavy users, totaling the number of Heavy User-Types for each and every Application utilized in the Server Farm (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

eliminating each Application which involves a 16-bit or MS-DOS program, eliminating each Application involving a Heavy processing background (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

sorting-out and eliminating those Applications which are 16-bit or MS-DO, sorting-out and eliminating those Applications which involve Heavy-background processing, sorting-out and eliminating those Applications which are graphic-based or animated (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

selecting each Application having a graphic-based or animated background, selecting those Applications having an input which is mostly GUI-based, selecting those Applications whose background processing is Light, selecting those Applications whose output is mostly text-based (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

adding up the number of User-Type Users for each Application type designated as "Light", accumulating the total number of User-Type Users using Applications designated as a "Light" User, adding up the number of User-Type Users into the Heavy category, accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm (e.g., figure 1, col., 1, line 24 – col., 3, line 34).

23. As per claims 6-10, Smorodinsky2 teaches the following:

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selecting those Applications whose input is faster than 45 words/minute, adding the number of such UserType Users to the Heavy category total, selecting those Applications which are NOT mostly text-based, selecting those User-types whose typing speed is faster than 45 words/minute, selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm, adding the number of User-Type Users to the "Heavy" category; accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm, adding the number of User-Type Users using each Application into the "Medium" category; accumulating the total number of Users of -the Medium category for each and every one of the Applications used in the Server Farm (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

adding the number of User-Type Users using each Application as a Heavy utilization, adding-up the number of User-Type Users utilizing said Applications as a "Medium" user category, accumulating the total number of User-Type "Heavy" Users utilizing each and every Application, accumulating the total number of Users in the Medium user category (e.g., figure 1, col., 1, line 24 – col., 3, line 34);

selecting those Applications whose background processing is heavy, selecting those Applications whose output is NOT graphics-based or animated, selecting those Applications whose input is NOT mostly GUI-based, selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figure 1, col., 1, line 24 – col., 3, line 34).

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24. Claims 2-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Smorodinsky 6,571,283 (Hereinafter Smorodinsky2).

25. As per claims 2-5, Smorodinsky2 teaches the following:

in a Thin Client Sizing Tool for configuring an Optimal Server Farm for a customer-enterprise (e.g. figures 1 and 2, col., 1, line 26 – col., 3, line 59), a method for developing data as: to specific User-weight categories for each User-Type involved with each specific Application in said Server Farm (e.g. figures 1 and 2, col., 1, line 26 – col., 3, line 59), comprising the steps of:

checking to find if more Applications are involved figures 1 and 2, col., 1, line 26 – col., 3, line 59);

accumulating the number of Users utilizing applications by User-Types designated as "Heavy" users, accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user, accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application figures 1 and 2, col., 1, line 26 – col., 3, line 59);

selecting each Application in said Server Farm which is utilized by a User-Type User, selecting each Application in said Server Farm which processes 16--bit or MS-DOS programs, selecting each Application in the Server Farm which is NOT a 16-bit or MS-DOS program, selecting each Application having a "Heavy" processing background figures 1 and 2, col., 1, line 26 – col., 3, line 59);

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totaling the number of User-Type Users who are Super-Heavy users, totaling the number of Heavy User-Types for each and every Application utilized in the Server Farm figures 1 and 2, col., 1, line 26 – col., 3, line 59);

eliminating each Application which involves a 16-bit or MS-DOS program, eliminating each Application involving a Heavy processing background figures 1 and 2, col., 1, line 26 – col., 3, line 59);

sorting-out and eliminating those Applications which are 16-bit or MS-DO, sorting-out and eliminating those Applications which involve Heavy-background processing, sorting-out and eliminating those Applications which are graphic-based or animated figures 1 and 2, col., 1, line 26 – col., 3, line 59);

selecting each Application having a graphic-based or animated background, selecting those Applications having an input which is mostly GUI-based, selecting those Applications whose background processing is Light, selecting those Applications whose output is mostly text-based figures 1 and 2, col., 1, line 26 – col., 3, line 59);

adding up the number of User-Type Users for each Application type designated as "Light", accumulating the total number of User-Type Users using Applications designated as a "Light" User, adding up the number of User-Type Users into the Heavy category, accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm figures 1 and 2, col., 1, line 26 – col., 3, line 59).

26. As per claims 6-10, Smorodinsky teaches the following:

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selecting those Applications whose input is faster than 45 words/minute, adding the number of such UserType Users to the Heavy category total, selecting those Applications which are NOT mostly text-based, selecting those User-types whose typing speed is faster than 45 words/minute, selecting those User-Types whose typing speed is slower than 45 words/minute figures 1 and 2, col., 1, line 26 – col., 3, line 59);

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm, adding the number of User-Type Users to the "Heavy" category; accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm, adding the number of User-Type Users using each Application into the "Medium" category; accumulating the total number of Users of -the Medium category for each and every one of the Applications used in the Server Farm figures 1 and 2, col., 1, line 26 – col., 3, line 59);

adding the number of User-Type Users using each Application as a Heavy utilization, adding-up the number of User-Type Users utilizing said Applications as a "Medium" user category, accumulating the total number of User-Type "Heavy" Users utilizing each and every Application, accumulating the total number of Users in the Medium user category figures 1 and 2, col., 1, line 26 – col., 3, line 59);

selecting those Applications whose background processing is heavy, selecting those Applications whose output is NOT graphics-based or animated, selecting those Applications whose input is NOT mostly GUI-based, selecting those User-Types whose typing speed is slower than 45 words/minute figures 1 and 2, col., 1, line 26 – col., 3, line 59).

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27. Claims 2-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackey et al. 6,567,767 (Hereinafter Mackey1 and 6,691,259 (Hereinafter Mackey2).

28. As per claims 2-5, Mackey teaches the following:

in a Thin Client Sizing Tool for configuring an Optimal Server Farm for a customer-enterprise (e.g. figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43), a method for developing data as: to specific User-weight categories for each User-Type involved with each specific Application in said Server Farm (e.g. figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43), comprising the steps of:

checking to find if more Applications are involved (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

accumulating the number of Users utilizing applications by User-Types designated as "Heavy" users, accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user, accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

selecting each Application in said Server Farm which is utilized by a User-Type User, selecting each Application in said Server Farm which processes 16--bit or MS-DOS programs, selecting each Application in the Server Farm which is NOT a 16-bit or MS-DOS program, selecting each Application having a "Heavy" processing background (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

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totaling the number of User-Type Users who are Super-Heavy users, totaling the number of Heavy User-Types for each and every Application utilized in the Server Farm (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

eliminating each Application which involves a 16-bit or MS-DOS program, eliminating each Application involving a Heavy processing background (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

sorting-out and eliminating those Applications which are 16-bit or MS-DO, sorting-out and eliminating those Applications which involve Heavy-background processing, sorting-out and eliminating those Applications which are graphic-based or animated (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

selecting each Application having a graphic-based or animated background, selecting those Applications having an input which is mostly GUI-based, selecting those Applications whose background processing is Light, selecting those Applications whose output is mostly text-based (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

adding up the number of User-Type Users for each Application type designated as "Light", accumulating the total number of User-Type Users using Applications designated as a "Light" User, adding up the number of User-Type Users into the Heavy category, accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43).

29. As per claims 6-10, Mackey 1 and Mackey 2 teaches the following:

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selecting those Applications whose input is faster than 45 words/minute, adding the number of such UserType Users to the Heavy category total, selecting those Applications which are NOT mostly text-based, selecting those User-types whose typing speed is faster than 45 words/minute, selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm, adding the number of User-Type Users to the "Heavy" category; accumulating the total number of Users of the Heavy category for each and every one of the Applications used in the Server Farm, adding the number of User-Type Users using each Application into the "Medium" category; accumulating the total number of Users of -the Medium category for each and every one of the Applications used in the Server Farm (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

adding the number of User-Type Users using each Application as a Heavy utilization, adding-up the number of User-Type Users utilizing said Applications as a "Medium" user category, accumulating the total number of User-Type "Heavy" Users utilizing each and every Application, accumulating the total number of Users in the Medium user category (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43);

selecting those Applications whose background processing is heavy, selecting those Applications whose output is NOT graphics-based or animated, selecting those Applications whose input is NOT mostly GUI-based, selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figures 1, 2 and 5, col., 1, line 12 – col., 2, line 43).

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Conclusion

30. Examiner makes a very clear note that the rational of the applicant's invention has been clearly anticipated by several references. Applicant's invention does contain few minor additional matters that facilitate the concepts of the applicant's invention. However, the additional minor matters are well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

August 6, 2004


ZARNI MAUNG
PRIMARY EXAMINER